

CRIME AND PUNISHMENT

Here's why Chris McNair must not be sent to prison

By JUDY WHITE

The degree of civilization in a society can be judged by entering its prisons.

— Fyodor Dostoyevsky, Russian writer of "Crime and Punishment"

Without addressing his innocence or guilt, which requires judging a man's heart and mind — done with certainty only by God — I am convinced that former Jefferson County Commissioner Chris McNair's imprisonment would be as harmful to our community as to him. My reasons, however, have nothing to do with his family's tragic past, but everything to do with our present.

The criminal justice "system" claims prisons punish, protect and rehabilitate.

Under the circumstances, there is no legitimate purpose of protecting the public served. And given the extremely high rates of recidivism and low rates of providing programs that prepare prisoners to successfully re-enter and contribute to society, any rehabilitative claims are pure myths. What prisons do most successfully is limited to providing jobs — federal prison employees, in particular — and dehumanizing and abusing the imprisoned, leading us to consider how we want the imprisoned to be punished. Specifically, how should McNair be punished?

Americans lead the world in the rate at which we imprison our citizens. But is it because our homes and communities produce the most evil and criminally inclined people in the world? Or is it because our courts are all too eager to placate the public cries for vengeance for perceived wrongs?

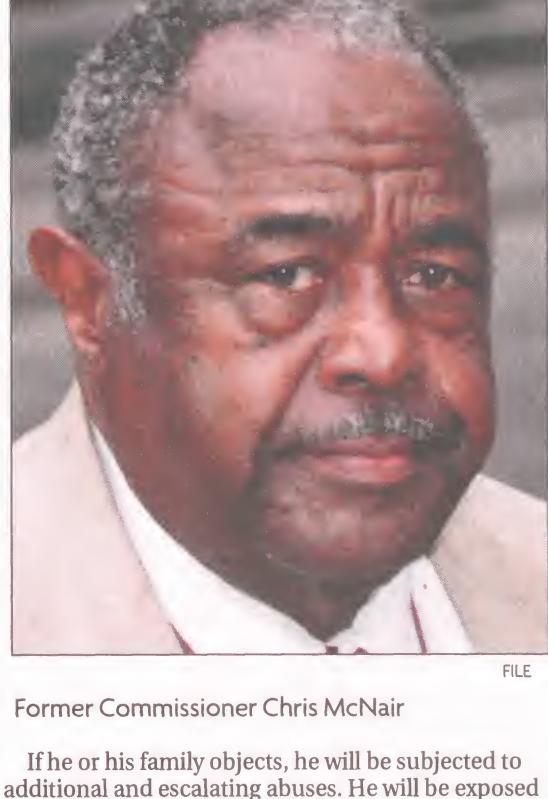
Americans seem to love to point fingers and condemn prison abuses beyond our borders, even as we engage in willful blindness toward our own prisons. There is an abundance of information establishing the failures and abuses permeating the prison system, but very little mainstream media coverage. So, what is prison like, and what should the McNair family expect?

To begin with, McNair's place of imprisonment will be determined by the Federal Bureau of Prisons and, based on the placement of other similarly situated prisoners, he is likely to be far removed from his family and friends. That is intentional, to deprive both his family and McNair of contact, and limit or eliminate all meaningful relationships. McNair will be told to report to prison with only his wedding band, his Bible and identification. After being strip-searched, he will be issued a prison uniform, likely consisting of a short-sleeved, thin, cotton shirt and pants, and heavy-duty combat boots made in China; what he wore on the day he entered prison will eventually be shipped to his wife in a box.

Because of McNair's age, he should be assigned a lower bunk in overcrowded prison space consisting of 88 square feet for three adult men and all their belongings, including bunks and lockers. (Even though this violates federal standards, no one enforces it.)

Speaking of bedding, that will consist of a 1- to 2-inch thin, pool-float type surface that had been labeled for temporary disaster use and restricted to body weight of no more than 140 pounds.

All of McNair's prescription medications will be taken and withheld from him for some period of time, with the prison eventually giving him, without the benefit of any medical examination, only what it decides to give him. Suffering the dangerous and life-threatening effects of immediate cessation, he is likely to be denied all medication for days, and some permanently.



Former Commissioner Chris McNair

If he or his family objects, he will be subjected to additional and escalating abuses. He will be exposed to contagious and incurable diseases, with soap and paper towels being withheld for days or weeks at a time. If he becomes too ill to stand and walk or navigate stairs, his fellow prisoners will inform the prison employees of his need for assistance, to which the responsible prison employee will respond, "Tell him to come to my office, and do not help him. If he can't walk, tell him to crawl."

When the power goes out at the prison, McNair will be cold. Sometimes, there will be no or reduced power for days at a time, and no hot water with which to wash or with which food-service items may be washed. His diet will consist of long-expired, often donated, food products, as well as those labeled "CONTAMINATED — NOT FOR HUMAN CONSUMPTION," raw and undercooked chicken and fish, and breakfast cereal enhanced with rat droppings, all served on dirty food receptacles in an eating area openly peppered with rat traps.

What will be most harmful to the McNair family, however, will be the intentional destruction of his humanity, with every good and positive quality targeted for extinguishment by prison employees, with characteristics that are treasured in our communities, such as goodness, kindness and concern for his fellow man, resulting in harsh and abusive punishment in prison.

Unless and until the prison system is drastically reformed and has convincingly established its ability to develop better — as opposed to more dysfunctional — men and women, and until those with whom it is entrusted and the communities to which they will return are no longer harmed by the prison system, we will all continue to be its victims. As long as American citizens tolerate and support this corrupt and broken system, we are all guilty of man's inhumanity to man.

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JEFFCO:

Financial ills may hurt public health

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force from 1,038 to about 550 employees today, we enlisted community partners to assume responsibility for programs we ran for decades at taxpayer expense, and leveraged previously untapped community expertise to secure more than \$13.5 million in foundation and federal grant dollars to address obesity and tobacco.

In the end, we reversed our financial crisis, and we began to use the money saved to accumulate a \$53 million reserve. Some reserve is already dedicated to gain greater efficiencies by consolidating three current health centers into a new multimillion-dollar facility, and the rest will be deployed during 2012-2014 for critical community programs.

Several remedies for the county's financial crisis have been suggested. The one that appears most popular is to "unearmark" currently designated funding for public health. The apparent reasoning is that "because of its reserves, public health doesn't need the money, and the county does."

Let's look at two facts more closely.

First, along with current sales taxes, the reserves that are used as

a justification for reducing tax revenues will be deployed in a five-year strategic plan just approved by the board of health last month.

Second, there is a pervasive misconception that the money given to the Health Department from sales and real estate taxes is "earmarked" for public health at the expense of the county's general fund.

Health Department funds have never supplanted resources available for our county government's use. Funds designated for public health cannot be used for anything other than public health in contrast to what is suggested as a "reasonable proposal" by the commission and the Jefferson County legislative delegation.

Why is that? This funding is closely attached to state public health code. Reducing county funding for our local public health programs will not allow the County Commission to use the putative "earmarked" public health funds at its discretion. Attempts to modify the percentage of the funding bill to public health will damage public health without achieving the objective of securing additional funding for the county's discretionary use. For additional funding, the county would have to enact another law that allows them to draw additional tax dollars for county purposes.

When a critically ill patient poses a risk of spreading infection to others, it is prudent to place the patient in isolation. Our commis-

sion and legislative delegation must assure that any move they make does not spread the problem elsewhere.

Reductions in funding to the Health Department will have ramifications for other providers of health care here and perhaps services statewide. Substantial decreases in funding will force a reduction or elimination of services for more than 50,000 of the poorest citizens representing 160,000 patients visits a year and driving them into local hospital emergency rooms. Since the preponderance of patients we serve are children, this could have a "tsunami effect" on Children's Hospital.

The proposal now suggested is a tectonic cost shift from lower-cost Health Department services to higher-cost emergency services, costs someone will have to absorb. In essence, this uncompensated care would become a hidden tax on hospitals in our area.

The county's financial illness requires intensive care involving other specialists not included in deliberations among elected officials thus far. "Unintended consequences" and "collateral damage" are at stake. It is time for the commission and the legislative delegation to end their silence on these plans and engage those of us who want to find a solution as badly as they do while avoiding the further spread of financial infection.

bring a lot of relief for most state agencies.

Bentley, though, is not looking for new revenue sources. Instead, he said he hopes to take advantage of these tough times to cut out those parts of state government that are not central to the state's core mission. He apparently wants to teach the patient to live on a leaner diet.

His wife has joined in the search for savings, he said, cutting such amenities as extra telephone lines and television service at the governor's mansion.

Bentley has had to make a lot of tough decisions, and he will have to make a lot more. It's hard work, he said, but "I get a lot of satisfaction out of doing what we are doing."

He also remembers his roots in all that he does. "I won't always be a governor, but I will always be a doctor," he said.

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later, those agencies returned to roughly the same budgets they had before the supplemental spending was approved.

A major cause of the General Fund's poor health is malnutrition. Growth taxes such as sales and income tax are mostly directed to the education budget, so even economic recovery will not

EGYPT:

The struggle now is for civil rights

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I'm "for the people," too. But I'm watching Egypt with my coffee cup and Cream of Wheat next to my computer screen, tuned in to Al Jazeera's live stream. Can those with full stomachs be good global citizens to those without?

I'm skeptically hopeful. Skeptical that we can be more than sympathetic spectators from comfortable Birmingham suburbs. Skeptical that what we celebrate as a democratic, nonreligious, popular revolt won't buckle at the fault lines of class and religion in Egypt: tension between the haves and the have-nots; between Muslims, Christians and secularists.

What happened in Egypt is exciting. It's also painful, scary and fragile. Mubarak is gone, but his legacy could live on. As the Rev. Martin Luther King Jr. would say, the struggle continues.

Within weeks of the religiously pluralistic jubilation in Liberation Square, 13 people died in violent clashes between Muslims and Christians after Muslim villagers burned Christian homes and demolished a church in Soul, south of Cairo. The army that is now governing Egypt failed to protect the citizens of the village.

Also, on International Women's Day, Egyptian men forcefully dispersed a group of female demonstrators who demanded that they be given a voice in building the future of Egypt. Some of the male counterprotesters, many of whom had demonstrated along with women against the Mubarak regime, shouted them down with misogynistic chants: "Go home, go wash clothes . . . find a husband . . . shame on you!"

What will happen in Egypt could crush our suburban solidarity with "the people" of Egypt. It could shatter us, if it weren't for our TVs and computer screens.

Power entails disparity, and comfort too often yields to complacency. Egypt has disappointed and surprised me. In the recent revolution, it wasn't only the poor rioting for bread; those born with silver spoons in their mouths were also demanding a better life. The young people who organized the first protests — largely through Facebook — are of the newest generation of Egypt's educated elites. They're the guys I would see on their laptops at the Starbucks in Cairo, the guys I assumed didn't care about the workers eating fava beans out of plastic bags on the street.

Being half-Egyptian was embarrassing growing up in Alabama, cool in an exoticizing kind

of way at my liberal arts college in Connecticut and disorienting ever since I started spending time in Egypt. Now, my Egyptian heritage is a blessing and a curse.

The week the protests broke out, I was at the Egyptian consulate in New York City. The line extended out the doors, with police there to control the crowd. All sorts of people were in line to get a number, to get on the elevator, to be pressed in the hall where we early birds were waiting outside the office door.

That's an inkling of what it's like to be Egyptian: to be subject to a bureaucracy that's incompetent and inefficient, that doesn't value your time, much less your dignity; to be crammed with hundreds of others vying for something you need from a government you can't trust.

The people outside were elbowing each other, to get in to the revolving door, some yelling "Allahu akbar!" That's a taste of how I imagine the scene last month at Tahrir Square: crowds clamoring in different voices, some saying "Allahu akbar!" It's not, as some fear since 9/11, a jihadist outburst. Muslims say "Allahu akbar" when they're excited or distressed. It's a reflex, like when Christians say "Jesus Christ!" A colloquial combination of "great God!" and "damn!"; astonishment and exasperation.

I first learned an Egyptian Christian way of stunned prayer — "ya rab irham," Lord have mercy — from my Uncle Latif, in the interfaith chapel at UAB. We would go there on breaks from sitting in my dad's hospital room, where he was recovering from a kidney transplant. Latif would say "ya rab irham" over and over, in hope and awe: astonished at the distress we were in; hopeful that the Lord would have mercy.

I thought the Egyptian revolution had little to do with us. We're a minority of a minority: affluent Egyptian Christians. I thought we were immune to the Mubarak regime.

I was wrong. The way Latif died has a lot to do with the protests in Egypt: The government hasn't taken care of people's basic needs. Egypt was not a place to live, or die, with dignity.

Two years ago, Latif was hurrying to catch the tramway in Alexandria. He almost made it, but he fell and cracked his skull on the concrete platform. He lay there hemorrhaging for more than an hour. No ambulance came. A passerby drove him to the emergency room, in a public hospital, where he waited for hours to see a doctor.

My dad says "only the indigent go to government hospitals in Egypt." The nurses are incompetent; the equipment is inadequate and unsanitary.

Latif could afford a private hospital, but he didn't have a choice that day. He died of a hematoma in his brain.

MENTHOL:

'The flavor of death' for many smokers

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many smokers, who reason that if cigarettes were really so dangerous, then the government would ban them. Now Philip Morris can reassure its customers that it is complying with strict product-safety standards, in effect making and marketing government-approved cigarettes.

Although the bill banned the use of deceptive cigarette descriptors such as "lights" and "ultra-lights" and also prohibited the use of certain candy flavorings that might appeal to children, it did not require the FDA to eliminate menthol, the mint-flavored chemical added to mask the harshness of burning tobacco and create the false perception that such cigarettes are safer.

Pointing to the devastating impact of smoking on the black community and its disproportionate consumption of menthol brands, the National African-American Tobacco Prevention Network was outraged that the bill did not include a menthol ban. As it is, smoking-related diseases of the heart and lungs are the leading killer of African-Americans. William Robinson, chairman of the NAATPN, calls menthol "the flavor of death for nearly 83 percent of African-Americans who smoke." (Just 23 percent of whites smoke menthol brands.) Noting that "menthol simply makes the poison go down easier," Robinson estimates that 22,000 lives would be saved each year through the elimination of menthol, based on surveys that have found that nearly half of African-American menthol smokers would stop smoking entirely if menthol weren't on the market.

One of the specific charges to the FDA under the bill was to study the impact on public health of menthol cigarettes. Last month, a scientific advisory

committee of the FDA released a detailed 231-page report that packs a wallop. The report left no stone unturned in reviewing the effects of menthol, including studies conducted in secret for decades by the tobacco industry since the introduction of menthol cigarettes in the 1920s.

Among the findings are that menthol is associated with lower levels of smoking cessation among African-Americans and that there is a higher prevalence of menthol cigarette use by the youngest adolescents. More than 80 percent of African-American teenagers who smoke buy Newport menthol cigarettes, in stark contrast to the similar percentage of white teenage smokers who choose nonmenthol Marlboro. This belies the claim of Newport maker Lorillard, cited in the report, that the company's marketing has not been targeted at African-Americans.

The elegant conclusion of the report was printed in boldface: "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."

Unfortunately, the committee that produced this sobering report did not translate its conclusion into a recommendation that menthol be banned. Instead, the committee fretted about a potential black market for menthol cigarettes and the possible introduction of do-it-yourself menthol cigarette kits to circumvent such a ban. In the end, the committee proved weak-willed.

The committee's failure to recommend an unequivocal ban on menthol cigarettes reveals the toothlessness of the new law and the lack of effectiveness of the regulatory process by the FDA. The horrific impact of menthol cigarettes have had on the African-American community warrants that all health organizations and everyone concerned about the rising cost of health care urge the FDA and Congress to add menthol to the list of far less widely consumed but already banned candy flavorings.